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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,134

08/25/2003

Young-min Cheong

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/647,134

Applicant(s)

CHEONG ET AL.

Examiner

William J. Klimowicz

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 1, 3-8.  
Claim(s) objected to: NONE.  
Claim(s) rejected: 9-20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

*WJL*  
William J. Klimowicz  
Primary Examiner  
Art Unit: 2627

Continuation of 3. NOTE: The proposed After-Final amendment, filed on December 18, 2006, to claim 9 indeed raises new issues requiring further consideration and/or search by the Examiner. The Examiner previously had taken into account the rather ambiguous and indefinite limitation in the context of the application of art against the claim. The deletion of the claim limitation, therefore, clearly would cause the Examiner to further consider arguments presented by the Applicant, in addition to supplemental searching based on the omission of a limitation, while indefinite, clearly limited the scope of the claim.

More concretely, in the Office action made FINAL, mailed October 5, 2006, the Examiner maintained that the claim 9 (as well as claim 20) was ambiguous in its scope. That is, the Examiner alleged that with regard to claim 9 (line 8) and also claim 20 (line 6), the phrase "a coil assembly including mutually non-coplanar at least one focus coil, at least one tracking coil, and a tilt coil ..." was vague and ambiguous. The Examiner maintained that it was unclear as to what the scope of the phrase "mutually non-coplanar at least one focus coil, at least one tracking coil, and a tilt coil." The Examiner posited that the phrase could possibly mean that the at least the focus coil and the tracking coil are mutually non-coplanar; the Examiner further posited that the phrase could possibly mean that all three coils, that is, the focus coil, the tracking coil and the tilting coil are mutually non-coplanar. In the context of the Applicant's specification, however, the meaning was not readily ascertained.

Nevertheless, the Examiner attempted to discern the scope of the offending claim limitation in light of the disclosure as a whole, and used the offending limitations in the search and interpretation analysis of claim 9. That is, insofar as the claim was understood, the Examiner maintained that Kawano (US 2003/0012090 A1) disclosed a coil assembly including "mutually non-coplanar" at least one focus coil (3f), at least one tracking coil (3tr), and a tilt coil (3ti) being entirely disposed between the magnetic members (see FIG. 1), wherein laminated coil unit (3) mounted in notch (1a) is disposed in magnetic gap (5g). That is, the coils have coil axes that do not lie in the same plane; the axis being defined as the center of the coil winding. The four coil axes of tracking coils (3tr), the single coil axis of the focus coil (3f) located on circuit board (31), are non-coplanar; additionally, the coil axes of the two tilting coil (3ti) are non-coplanar with any of the aforementioned axes of the tracking or focusing coils, as seen in Fig. 1.

The Examiner noted that nothing in the claims required that the entire winding extent of each coil lie in a mutually differing plane, as Applicant appeared to have argued in his response filed August 15, 2006.

Thus, since the Amendment to at least claim 9 raises new issues in light of the previous rejection under prior art to claim 9, made by the Examiner, the proposed After-Final amendment filed on December 18, 2006 will NOT be entered by the Examiner.

As previously indicated by the Examiner, claims 1 and 3-8 are allowed.

Claims 9-20 remain rejected for the reasons articulated in the Office action made FINAL, mailed on October 5, 2006.

#### Information Disclosure Statement

The information disclosure statement filed October 4, 2006 (Item AM) "Office Action issued on September 19, 2006 by the Japanese Patent Office for Japanese Patent Application No. 2003-298735" fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The aforementioned reference AM is completely in Japanese. It has been placed in the application file, but the information referred to therein has not been considered.